

SAVE OUR Streets

ACTION PLAN

Presented by **Councilmember Carl DeMaio**



**Carl DeMaio's Action Plan to
Fix San Diego's Crumbling Road Infrastructure**



SAN DIEGO'S STREETS ARE FALLING APART



But you already knew that.

San Diegans know how bad our roads are. They have to put up with our city's crumbling infrastructure every day.

Whether it's potholes which damage the alignment on a car or tax dollars wasted on shoddy repairs – all San Diegans are experiencing the high cost of City leaders who decided to put special interests above basic, but vital, infrastructure maintenance.

NEVER AGAIN.

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Carl DeMaio's Plan to Fix San Diego's Crumbling Road Infrastructure

San Diegans are sending out an "S.O.S." to city leaders:

SAVE OUR STREETS

They want city leaders to put funding where it's supposed to go, rather than pet projects for politicians. San Diego residents simply want to make basic city services, like road maintenance, a **PRIORITY**.

I have heard that call, which is why I am proposing seven major reforms to San Diego's street repair budget and policies to help fix our crumbling roadways. I have also identified implementation strategies to enact these reforms quickly and smoothly. Together, we can turn things around and once again make San Diego "America's Finest City" in every way.



Carl DeMaio

SAN DIEGO'S INFRASTRUCTURE CRISIS AT A GLANCE

\$840 million

In deferred maintenance on infrastructure

\$378 million

In deferred maintenance on STREETS ALONE

\$116.6 million

Annual street repair deficit if we address
the problem in 5 years

50%

Of San Diego's roads rated in POOR condition by a
national transportation research group

\$654 per motorist

Cost of potholes, cracks, and poor road conditions

8th Worst

Road conditions among major cities in the United States.

THE *SAVE OUR STREETS* PLAN TO FIX SAN DIEGO'S CRUMBLING ROADWAYS

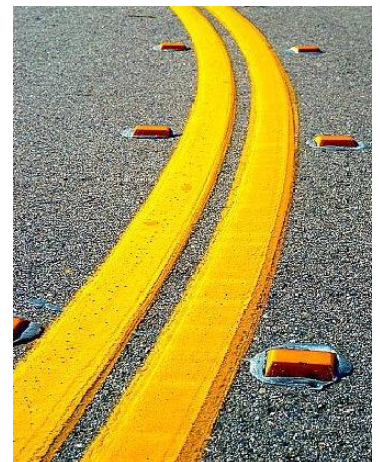


CARL DEMAIO'S REFORMS

- Reform 1** Being honest about San Diego's real street repair deficit
- Reform 2** Create an "Infrastructure Lock Box" to fund street repairs and maintenance
- Reform 3** Create "Innovation Labs" under performance-based contracts to complete road repairs
- Reform 4** Strengthen and enforce the street repair warranty policy
- Reform 5** Enact tougher penalties on unpermitted roadwork and close loopholes for smaller, yet equally damaging, excavation techniques
- Reform 6** Assign an "Inspector General" for infrastructure
- Reform 7** Fair and open competition for all city road work

Implementation Strategy

Create a Deputy Mayor of Infrastructure



REFORM 1 – BEING HONEST ABOUT SAN DIEGO'S STREET REPAIR DEFICIT

For too many years city politicians have glossed over the staggering amount of our infrastructure deficit, commonly referred to as “deferred maintenance.” This is the backlog of repairs and maintenance required to bring San Diego's streets to an acceptable service level and keep it there. Not only have politicians glossed over this unfunded amount, they have left it out of financial forecasts and outlooks in the past. Worse, each year politicians have added to the infrastructure deficit by not adequately funding infrastructure maintenance for that year.


While the Mayor has issued a \$100 million bond (in 2009) and is planning another in the next year to begin catching up on deferred maintenance, the full amount of the infrastructure deficit has not been calculated as an annual required contribution and included in the total anticipated deficit over the next five years.

Every year city politicians fixate on the size of the annual required contribution to pensions - and they have cut services and raised fees to make sure the full contribution is made for government pensions. Councilmember DeMaio believes as much attention should be paid to the annual required contribution to properly maintain city infrastructure.

Beginning in 2009, Councilmember Carl DeMaio demanded that city officials reveal the true size of the annual infrastructure deficit. At the February 2011 Audit Committee meeting, DeMaio specifically requested that a street repair deficit funding and assessment methodology be included as part of the Mayor's Five-Year Financial Plan and be presented to the full City Council.

Finally, after repeated requests by Councilmember DeMaio to include the full scope of the deficit with infrastructure included, the Budget Committee was presented with that data in March 2011.

The City did begin to address some limited deferred maintenance needs with the issuance of a \$100 million bond in 2009. However, only half of this bond money has actually been put into streets and other infrastructure because of a lack of managerial bandwidth.



Office of the City Auditor
City of San Diego

**STREET MAINTENANCE:
City Needs to Improve Planning,
Coordination, and Oversight to
Effectively Manage
Transportation Assets**

Audit Committee Meeting, February 7, 2011

OCA
Independent • Objective • Accountable

Summary of Findings

Background

investment in transportation assets
\$377 million in deferred

asset management is a strategic,
approach for the optimal long-
term of transportation assets.

ervation focuses on preserving and
g streets because it is easier and
han repairing one in poor

condition.

Report Number 11-009

It is unacceptable to take taxpayer money, issue a bond, and then sit on that money while paying millions in interest and transaction costs. The desire to address the infrastructure deficit was well-intentioned in 2009, but the bureaucracy's inability to handle an increased workload displays how critical it is to carefully look at infrastructure needs and approach it in a well-planned manner.

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Carl DeMaio's Plan to Fix San Diego's Crumbling Road Infrastructure

If all of that wasn't enough, the city continues to fall behind each year on regular maintenance, thereby constantly increasing the amount of the infrastructure deficit. According to city staff, the street maintenance budget should be \$89 million per year to maintain our streets at an adequate service level ("Service Level 2" as identified by Public Works). This service level would put 60% of roads in "good" condition, up from the current 38%. 30% in "fair" condition, down from 45%, and only 10% considered "poor," down from 17% now. Instead of \$89 million annually, however, these programs are only budgeted \$26 million at this time.

<u>Condition</u>	<u>Existing</u>	<u>Proposed in SOS Plan</u>
Good	38%	60%
Fair	45%	30%
Poor	17%	10%

The following chart displays exactly what kind of challenge the City of San Diego faces with deferred street maintenance.

Deferred Street Maintenance	
Current Total Deferred Streets Maintenance	\$378,000,000
Mayor's 2009 Bond	-\$47,000,000
Mayors 2012 Bond	-\$100,000,000
Total Deferred Streets Maintenance Outstanding After Bonds	\$231,000,000

Annual Operations & Maintenance Budget	
O&M Needed	-\$89,000,000
Current Budgeted O&M	\$26,000,000
O&M Annual Deficit	-\$63,000,000

Annual Cost to Catch Up On Deferred Street Maintenance Over Next Five Years	
FY 13	\$116,600,000
FY 14	\$116,600,000
FY 15	\$116,600,000
FY 16	\$116,600,000
FY 17	\$116,600,000

* Number can fluctuate up or down depending on state and federal funding for road work.

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If you were to include the identified infrastructure deficit in the Mayor's current 5-year outlook, the projected total deficit that the City faces is staggering.

City's Total Deficit If Infrastructure Deficit Included	
FY 13	-\$171,100,000
FY 14	-\$164,100,000
FY 15	-\$142,300,000
FY 16	-\$125,400,000
FY 17	At least -\$109,100,000

While the current and forthcoming bonds will help the situation to a degree, the first step we must take in turning around this situation is an honest assessment of where we stand.

Carl DeMaio is calling for the total infrastructure deficit to be included in the annual five-year financial outlook and calculated into the total budget deficit each year.

REFORM 2 – CREATION OF AN “INFRASTRUCTURE LOCK BOX” TO FUND ROAD REPAIRS

City leaders can no longer ignore the infrastructure deficit and hope no one notices. In case they haven't realized, **San Diegans are actually driving on the infrastructure deficit every day.**

As part of a comprehensive plan, funding sources must be identified. Carl DeMaio is proposing two major funding sources that should be considered for future infrastructure repairs and maintenance: an Infrastructure “Lock Box,” and utilizing city assets to fund road repairs.



In his *Roadmap to Recovery*, Carl DeMaio first proposed an Infrastructure Lock Box to begin to restore an adequate funding stream to pay down the street repair deficit, as well as provide funding to properly maintain infrastructure into the future. The Infrastructure Lock Box would mandate that all, or at least a substantial portion, of expected revenue growth over the next five years be allocated to street repair projects.

The City experiences a regular, anticipated growth in revenue year-by-year which is forecasted in the Mayor's Five-Year Outlook.

The Lock Box proposal calls for that revenue growth to be put toward roads before anything else. Under the “soft cap” option, if the Lock Box Fund is pegged to FY 12 revenue levels, expected revenue growth over 1%, (incrementally increasing by 1% each year to 5% by year 5 to allow for some inflation) would allow a significant amount of money to be put specifically toward street repairs. If this “soft cap” Infrastructure Lock Box were implemented within the next year, **over \$335 million could be put into streets** during the next five years. If a “hard cap” is implemented and all revenue growth is put into the Lock Box, the city could put **\$497 million into streets** over the next 5 years.

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Possible Infrastructure Lock Box Fund

	FY 2013	FY 2014	FY 2015	FY 2016	FY 2017
City's Total Expected Revenue	\$1,103.6	\$1,138.4	\$1,174.6	\$1,212.4	\$1,251.2
Soft Cap Allows 1% to 5% Annual Revenue Growth from FY 12	\$10.8	\$21.5	\$32.3	\$43.1	\$53.8
Lock Box Fund - Soft Cap	\$16.1	\$40.2	\$65.6	\$92.6	\$120.7
Lock Box Fund - Hard Cap	\$26.9	\$61.7	\$97.9	\$135.7	\$174.5

The Value of DeMaio's Infrastructure Lock Box Fund

Up to \$497 Million
Over the Next 5 Years

Utilizing Assets to Fund Road Repairs

The City currently holds millions of dollars in assets. From buildings to vacant land to unused vehicles and everything in between, the city's holdings are vast. While there has been some discussion in the past about selling some of these assets, DeMaio has adamantly opposed this because the city refuses to commit to a comprehensive plan for asset management.

To address that, DeMaio proposes that net proceeds from any sale, lease, or development of city assets be used for road repairs.

An examination of the city's ability to put funds from asset sales into infrastructure needs to happen sooner, rather than later, so that when the market rebounds or the city is looking at selling assets, the proceeds from those sales go toward street repairs as a priority.

DeMaio is calling for an exhaustive review of all city assets (value and income potential) to look for opportunities to accelerate the pay down of the street repair deficit.

REFORM 3 – CREATE “INNOVATION LABS” UNDER PERFORMANCE-BASED CONTRACTS TO COMPLETE ROAD REPAIRS

The city's current model for managing road repairs is as broken as the roads in San Diego's neighborhoods. A simple patch job will no longer suffice – we must make major changes in structure, process, personnel, and incentives to get the job done.

Too Much Bureaucracy

The city auditor has identified numerous instances of overlap and fragmentation across city departments involved in the road repair process. While the city recently took steps to achieve some integration with the creation of a single Streets Department, more needs to be done to fuse together all the activities needed for road repair and management.

Poor Planning

The city auditor has also pointed out numerous examples of road repairs being done only to have the city's own water department or an outside utility dig up the road months later for trench projects.



Poor Design Capacity

As highlighted by the failure of the city to spend the initial \$100 million infrastructure bond in a timely manner, the city suffers from inadequate capacity to design and engineer road projects on time. Recent projects have become de-facto “design-build” because the city lacks the capacity to plan and design them internally.

Lack of Oversight

Whether a city work crew or a city contractor, numerous complaints have been received from the public regarding the seemingly wasteful manner in which road repairs are carried out. Excessive staffing on a project features one or two individuals doing the work, and several individuals “standing around.”

Delays in Contract Awards

The city suffers from a massive lag time between the receipt of bids on road projects to the award of contracts – with some projects seeing a 9 to 12 month lag. How can a contractor properly price commodities such as concrete or asphalt, or predict labor availability and costs, that far out? A long delay between contract bid and award only forces taxpayers to pay higher prices – and wait longer for repairs.

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Competition is the key to developing a streamlined, efficient, and effective local government.

That is why Carl DeMaio is proposing four "Innovation Labs" within the City where four teams of work crews can compete to provide street repairs most quickly, most efficiently, and most cost-effectively while providing the best quality product for taxpayers.

25% of the city's current street maintenance operation will be set aside for four teams of both city crews and outside contractors.

Four teams (two teams of city employees and two teams of independent contractors) will be given equal portfolios of city roads to repair and maintain over the 24 months. Each portfolio will include the same quantity and quality of roads to repair, spread out throughout the city.

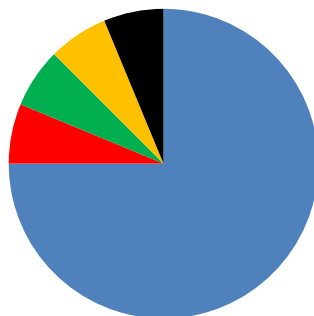
By having four units working separately, the goal is to encourage competition and innovation in process design and management. At the end of the two-year Innovation Lab period, results will be assessed and a final contract will be awarded to the winning team to manage the street repair process.

Criteria for Innovation Labs

- Fixed budget
- Equal mileage of roads
- Response time on pothole repairs
- Compliance with local, state, and federal safety standards

Innovation Lab Breakout

Total City Street Maintenance



- Street maintenance approach "as-is"
- Contractor Team 1
- City Team 1
- Contractor Team 2
- City Team 2

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REFORM 4 – STRENGTHEN AND ENFORCE THE CITY'S STREET REPAIR WARRANTY POLICY

When utility companies and outside agencies damage San Diego's streets, no one is holding them accountable.

This must change immediately.

A major reform proposed in Carl DeMaio's *Save Our Streets Plan* is a change to the City's municipal code which will close loopholes and strengthen the barely-utilized street repair warranty.

WHAT IS A STREET REPAIR WARRANTY?

An agreement signed by a public utility, private contractor, or other agency wherein they promise to leave the street in good condition after excavating and doing work on it.

If they fail to repair the street adequately, the agency is on the hook for the cost to the City to repair the street.



WHY REFORM THE WARRANTY POLICY?

Private agencies and the city's own water and wastewater department cause damage to City streets all the time. Whether it's replacing power cables, installing new gas or water lines, or building a new development, these projects are a common occurrence and usually provide a benefit to the community.

However, those agencies have a responsibility to repair City streets back to good condition once their work is done.

Many of these outside companies used to pay an excavation fee, but in 2003 the City enacted a warranty policy to provide an alternative option. Contractors have all but stopped paying the excavation fee and usually opt in to the warranty policy, to the point where the Development Services Department (DSD) has experienced a shocking reduction of 98 percent in revenue between fiscal year 2005 and 2010.

While the street repair warranty is a great program which was envisioned to protect streets against damage, there are major flaws which need to be fixed immediately.

These warranty agreements assume that the private entity will leave the street in good condition upon finishing excavation. However, DSD has not been maintaining records of these warranties.

As a recent City Auditor report stated, "Without providing written formal warranties and maintaining accurate records, **the City is not protected against liability for third-party damages resulting from trench repairs, and it cannot enforce or seek damages when private entities do not repair the street to appropriate standards.**"



The City must start utilizing these warranties to hold accountable those who tear up city streets and don't return them to a good condition when done. A change to the municipal code which requires the City to **maintain written formal warranties** is an absolute must in the future. This is a simple "no-brainer" that should have been done long ago.

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REQUIRE THE CITY TO MAINTAIN RECORDS OF ALL WAIVERS GRANTED FOR STREET EXCAVATIONS

There is an alarming lack of accountability and record-keeping within the Development Services Department, which is responsible for monitoring roadwork and street repair. It is that department's responsibility to hold private entities accountable for the condition they leave a street in after a construction project.

SDG&E, AT&T, Cox and Time Warner regularly conduct excavations of City streets. These private entities are required to repair excavations and it is the responsibility of DSD to hold them accountable for the quality of their work. Unfortunately, according to a recent report, nearly 40 percent of streets examined by the City Auditor were not restored properly and displayed "cracking, failing trenches, and uneven patchwork" after the private entity completed their work.

Before beginning street excavation, private companies are required to obtain permits and pay excavation fees or sign a warranty. The San Diego Municipal code prohibits excavations into streets that have received asphalt three years prior or a slurry seal for one year prior².

However, DSD can grant a moratorium waiver for the following cases:

1. Emergencies
2. New service
3. Installation relocation
4. Non-linear excavations

Unbelievably, **DSD does not maintain electronic or tabulated records of moratorium waivers granted**. This makes it difficult for City officials to hold private entities accountable by conducting post-construction inspections.

Proper record-keeping and accountability within DSD is the first step in turning around San Diego's flawed street maintenance policies. If that doesn't happen you can throw all the money in the world at the problem and there will continue to be waste, mismanagement, and at the end of the day you will still have broken, crumbling streets. These basic problems must be fixed.



REFORM 5 – ESTABLISH AN “INSPECTOR GENERAL” FOR INFRASTRUCTURE IN SAN DIEGO

Many government agencies have established positions known as “Inspectors General,” tasked with providing oversight and examining the conduct of their agency to ensure they are operating in compliance with established policies and to audit their performance and work product.

Carl DeMaio is proposing that an Inspector General of Infrastructure be established to ensure that reforms are being implemented correctly, city staff and outside agencies are being audited, and contract oversight and review is being handled responsibly. This position would be funded out of the existing Independent Auditors office.

Given the city's track record of absolutely terrible management of street maintenance and an almost complete lack of following established guidelines and policies, the creation of an Inspector General is necessary. This individual should initially be tasked with oversight of the street maintenance programs at the city and eventually expand to all infrastructure.

Initial Tasks for the Inspector General

1. Audit warranty program at City and outside utilities
2. Bi-annual street condition assessments
3. Contract oversight and review

1. Require annual audits of warranties within the city and at outside utilities

To ensure that City staff and outside contractors are properly maintaining actual written warranties, the Inspector General will perform an annual audit of both city departments and outside contractors to ensure that everyone is properly maintaining their records.

Not only is this a quality control and accountability measure, but as the City scrutinizes this process more it will be in the best interest of all parties to properly maintain records. As long as the simple warranty policy is followed, these audits should simply confirm that the currently established, but rarely followed, process is being adhered to in the future.

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2. Bi-annual condition assessments

As the city works to catch up on street repairs over the five years outlined by DeMaio, it will be important to track progress and know exactly what condition the roads are in as that work is performed.

DeMaio is calling for a bi-annual assessment of all city roads to ensure that project managers are planning correctly and targeting the most high-priority streets first. This will also allow the Inspector General to perform quality-control and ensure completed street repairs are done correctly.

3. Contract oversight and review

The Inspector General will also be responsible for contract oversight and review as projects move forward and contracts are entered into.

Much of the current problems with road repair stem from an inability to properly manage contracts. From a lack oversight which leads to shoddy work performed, or a simple inability to enter into and execute contracts which is keeping bond funds stuck in an account rather than going into streets, this must change, and the Inspector General will provide oversight of all of those contracts.



REFORM 6 – ENACT TOUGH PENALTIES ON UNPERMITTED ROAD WORK & CLOSE LOOPHOLES

The Development Services Department's lack of record-keeping has led to unreliable and inconsistent enforcement of rules which are currently on the books.

It is such a serious problem, and so accepted at DSD, that some private companies have simply made it a policy not to comply with the City's requirements. Penalties are also so minor that they don't provide a serious incentive to comply. **Penalties for failure to obtain a permit can be as low as \$50¹.**

In a city where over-regulation, high fees, and endless bureaucracy are a major problem and drive the cost of business up, doing unpermitted work on public roadways is one area where there should be serious consequences.

Unpermitted road work exacerbates the problem of crumbling infrastructure and costs the taxpayers large amounts of money every year.

The fee schedule for unpermitted roadwork needs to be reexamined. Conversely, incentives may need to be enacted, such as lower permitting fees, to encourage companies and agencies which play by the rules to continue their responsible treatment of public roadways.

Close loopholes for smaller, yet equally damaging, excavation techniques

To avoid fees, private entities have begun utilizing nonlinear excavations and trenchless technologies more often.

Nonlinear excavations are excavations five feet-by-five feet or smaller, while trenchless technologies include procedures such as "micro trenching," or boring, which are exempted from fees **despite the fact that they have the same damaging effects on streets as traditional excavations.**



The municipal code needs to be changed so that these two procedures would be considered in the same category as traditional excavations, given the impact they have on streets.

These procedures are also exempted from the excavation moratorium on streets which have received an asphalt overlay, and one year for streets that have received a slurry seal, which should be remedied in the municipal code.

REFORM 7 – FAIR AND OPEN COMPETITION FOR ALL FUTURE CITY STREET WORK

A critical way for the city to pay down the amount of the street repair deficit is to do it at the lowest cost possible for taxpayers.

Many contractors who would consider bidding on road work fear costly and restrictive mandates on their internal employment policies. Unfortunately, the City of San Diego and several other government entities have been enacting “union-only” policies that have made our region less attractive to private companies who would otherwise be interested in doing work for the city.

Gaylord Entertainment withdrew from Chula Vista several years ago – taking 6,000 jobs with them – because of the threat of a Project Labor Agreement on construction and operation of their facility. Earlier this year the Port of San Diego initiated a new policy of requiring applicants to negotiate with labor unions before bringing projects before the Port Commissioners. In addition to costing our region jobs, these union mandates cost taxpayers money through higher project costs in public works projects.

These policies cannot be allowed to continue as they will chase much-needed investment and jobs out of our region.

Councilmember DeMaio has proposed that all San Diego county government entities adopt “Fair and Open Employment” laws to ensure that both union and non-union businesses can receive equal treatment and no union mandates are forced on businesses in our county. This is something that could be first applied to street repair work.

Politicians cannot keep doing business as usual, and city leaders must understand that the tax dollars spent on road work must be utilized most efficiently. Ensuring fair and open competition for outside contractors will go a long way toward that goal.



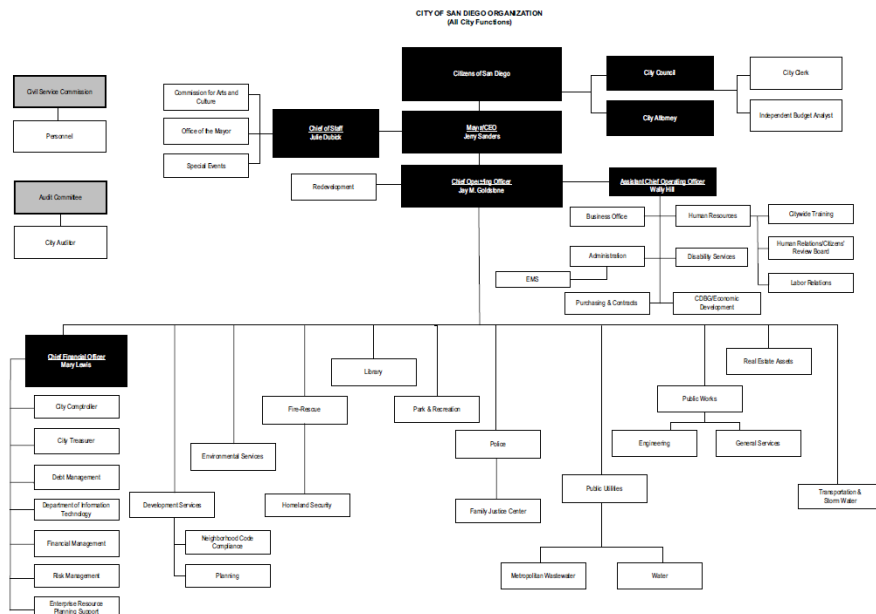
IMPLEMENTATION STRATEGY CREATE A DEPUTY MAYOR OF INFRASTRUCTURE

"The City has not comprehensively managed transportation assets and investments, and pavement preservation and other transportation responsibilities have been decentralized among various City departments. To accomplish such significant changes to the fiscal, policy, and management aspects of the City's infrastructure, *the status quo cannot stand when it comes to managerial organization.*"

- City Auditor's Report, Nov. 2010.

The current management organization within the city's administration has proven insufficient to manage the street repair needs in San Diego. Management has not even been able to implement the first of the Mayor's infrastructure bonds, much less an additional \$100 million bond planned for this year. Given the current status and recent track record, it would be a challenge for the current organization to properly enact these reforms and carry them out. That is why Carl DeMaio is proposing a more efficient, centralized business structure to manage the city's street maintenance operations.

If you look at the City's current organization chart, it is easy to see why street repair and infrastructure maintenance are falling through the cracks.



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Carl DeMaio's Plan to Fix San Diego's Crumbling Road Infrastructure

Carl DeMaio is proposing that the Mayor reorganize the administration so that all City departments which are responsible for infrastructure answer to one single "Deputy Mayor of Infrastructure."

Departments to be Housed Under the Deputy Mayor of Infrastructure

Public Works

Engineering & Capital Projects

General Services

Transportation & Storm Water

Street Division

Public Utilities

Water

Metropolitan Wastewater

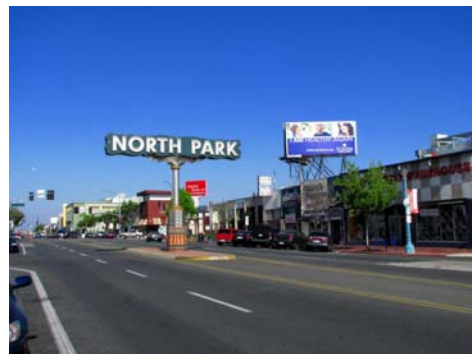
Real Estate Assets

Environmental Services

It is vital that the City always do things "better, faster, and cheaper." A much-needed reorganization of management structure is one reform that can be implemented immediately and prepare the administration to better administer the infrastructure bond projects, future projects paid for with "Lock-Box" revenues, and enforce policy changes to street repair warranties, penalties, and monitoring of contracts in the future.

CAN YOU BELIEVE IT?

Until last year, there was almost no communication between city departments that do road work, causing streets to be torn up repeatedly at high cost to taxpayers.



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The time is now to get our street repair crisis under control. The longer city leaders wait to act, the worse our streets get and the more money it costs taxpayers in the long run.

I commit to drive these much-needed reforms through at City Hall. I call on city officials to listen to San Diego's taxpayers as they send the message:

"SAVE OUR STREETS" and make this basic government responsibility a priority once again.

Carl DeMaio

Sources Cited

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City of San Diego, Deferred Capital (For General Fund Infrastructure) Report. Public Works Department. March 30, 2011

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Page 3 - "Hold the Wheel Steady: America's Roughest Rides and Strategies to Make Our Roads Smoother." Report published by TRIP, Washington, DC. Sep. 2010.

1 - Audit of Street Maintenance, San Diego City Auditor Report OCA-11-009. November 2010.

2 - San Diego Municipal Codes §62.1203 and §62.1204.

You Can Help Fix San Diego's Streets TODAY

with San Diego 311

Carl DeMaio understands that city government has to catch up with modern technology and embrace new ways to serve our citizens, so he created the idea of an online and mobile app to allow San Diegans to instantly let their city government know about problems like potholes, broken sidewalks, abandoned vehicles, broken lights, illegal dumping, and graffiti.

San Diego 311 uses geo-tagging technology to automatically provide the problem's location, simplifying the reporting process for residents and the response process for city employees, thereby delivering services faster and saving taxpayer dollars.

City government should be easy to access – and the San Diego 311 App has literally put City services at citizens' fingertips.



**City Services
At Your Fingertips.**

San Diego 311 Lets Residents Report:

- **Potholes**
- **Abandoned vehicles**
- **Graffiti**
- **Illegal dumping**
- **Broken sidewalks**
- **Overgrown trees**
- **and much more**

Please feel free to contact Carl DeMaio today!

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